

## **ANNEX 8 IPS BOARD MEMBERS CODE OF CONDUCT, RESERVED MATTERS & STANDING ORDERS**

### **Code of Conduct for Board members**

As a Board Member for IPS, I promise to abide by the fundamental values that underpin all the activity of this organisation. These are:

#### **Accountability**

Everything IPS does will be able to stand the test of scrutiny by the public, the media, regulators, ILEX Council, ILEX members, other stakeholders, and the courts.

#### **Integrity and honesty**

These will be the hallmarks of all conduct when dealing with colleagues within IPS and ILEX and equally when dealing with individuals and institutions outside it.

#### **Transparency**

IPS strives to maintain an atmosphere of openness throughout the organisation to promote confidence of the public, stakeholders, staff, regulators and Parliament.

Additionally, I agree to the following points:

#### **Law, mission, policies**

- I will endeavour not to break the law or go against Company regulations in any aspect of my role as a Board member.
- I will support any mission developed by the Board and consider myself its guardian.
- I will abide by organisational policies.

#### **Handling Conflicts of interest**

- I will always strive to act in good faith and in the best interests of the organisation.
- I will complete an annual return for the organisation's register of interests and ensure that it is kept up to date if there are any changes in year.
- I will declare any conflict of interest, or any circumstance that might be viewed by others as a conflict of interest, as soon as it arises.
- I will follow the guidance on conflicts of interest contained within the Conduct and Administration of Meetings.
- I will submit to the judgement of the Chair and the Board on whether I take part in the discussion and determination of matters where I have a direct pecuniary interest, either particular to me, or where a member of my family may have a direct pecuniary interest. Where I have a non-pecuniary interest, I will consider whether participation in the discussion and determination of a matter would suggest a real danger of bias.

### **Person to person**

- I will endeavour not to break the law, go against Company regulations or act in disregard of organisational policies in my relationships with fellow Board members, staff, stakeholders, members, service recipients, contractors or anyone I come into contact with in my role.
- I will strive to ensure that my conduct in my professional and private life does not impact adversely on my role as a Board member.
- I will strive to establish respectful, collegial and courteous relationships with all I come into contact with in my role.

### **Protecting the organisation's reputation**

- When speaking as a private citizen I will strive to uphold the reputation of the organisation and those who work in it.
- I will not speak as a Board member of this organisation to the media or in a public forum without the prior knowledge and approval of the Chair or Chief Executive.
- When I am speaking as a Board member of this organisation, my comments will reflect current organisational policy even when these do not agree with my personal views.
- I will respect organisational, board and individual confidentiality.
- I will take an active interest in the organisation's public image, noting news articles, books, television programmes and the like about the organisation, about similar organisations or about important issues for the organisation.

### **Personal gain**

- I will not personally gain materially or financially from my role, nor will I permit others to do so as a result of my actions or negligence.
- I will document expenses and seek reimbursement according to procedure.
- I will not accept substantial gifts or hospitality without prior consent of the Chair (see guidance in standing orders).
- I will use organisational resources responsibly, when authorised, in accordance with procedure.

### **In the Boardroom**

- I will strive to embody the principles of leadership in all my actions and live up to the trust placed in me by IPS.
- I will abide by board governance procedures and practices.
- I will strive to attend all board meetings, giving apologies ahead of time to the Chair, if unable to attend.
- I agree to attend a minimum of 75% of Board meetings each year and accept that failure to reach this level may mean that I am asked to leave the Board.
- I will study the agenda and other information sent to me in good time prior to the meeting and be prepared to debate and vote on agenda items during the meeting.

- I will honour the authority of the Chair and respect his or her role as meeting leader.
- I will engage in debate and voting in meetings according to procedure, maintaining a respectful attitude toward the opinions of others while making my voice heard.
- I will accept a majority board vote on an issue as decisive and final.
- I will maintain confidentiality about what goes on in the boardroom unless authorised by the Chair or Board to speak of it.
- I accept collective responsibility for Board decisions, including representing these decisions in contact with stakeholders and other bodies, even where I do not personally agree with them. If I am unable to support Board decisions in this way, then I will resign from the Board.

### **Enhancing governance**

- I will participate in induction, appraisal, training and development activities.
- I will continually seek ways to improve Board governance practice.
- I will support the Chair in his/her efforts to improve his/her leadership skills.
- I will support the CEO in his/her executive role and, with my fellow board members, be involved in appraisal and appointment processes including seeking development opportunities for him/her.

### **Leaving the board**

- I understand that substantial breach of any part of this code may result in my removal from the Board.
- Should I resign from the Board, I will inform the Chair in advance in writing, giving 3 months notice and stating my reasons for resigning. Additionally, I will participate in an exit interview.
- The Chair, subject to following agreed procedures, may terminate a Board member's appointment on the grounds of failure to attend meetings, of insolvency, of physical or mental incapacity, of criminal conviction or of conduct that, in the Chair's opinion, makes it inappropriate that he/she remains a Board member.
- Once I have left the Board, I will ensure that I maintain the confidentiality of matters discussed within the Board by not speaking or disclosing anything about, and the workings of IPS, ILEX, Board members and staff.

**Approved by the Board 15 April 2009**

## ILEX Professional Standards Ltd

### Matters to be reserved to the Board

<b>1. Strategy and Finance</b>	
1.1	Responsible for the overall management of IPS, ensuring compliance with the objects of the Company
1.2	Approval of IPS's long term objectives and strategies. Any decisions relating to their implementation
1.3	Approve or amend budgets, including decisions on allocation of budget between individual programmes, operating costs and any central contingency in the light of guidance from the Chief Executive as to available resources.
1.4	Approve Protocols and methods of working with ILEX and other Stakeholders
1.5	Any decision, which alters a policy formally agreed by the Board
1.6	Decisions relating to legal proceedings against or on behalf of IPS
1.7	Decisions on the adoption of risk management policies.
1.8	Receiving reports on and reviewing the effectiveness of the risk management processes.
1.9	Decisions on the allocation of unforeseen income to a particular budget.
1.10	Review of performance in the light of the agreed strategy, objectives, business plans and budgets and ensuring that any corrective action is taken
<b>2. Regulations and control, etc</b>	
2.1	Responsible for ensuring the registration of the Company and the provision of information to Companies House, as requested
2.2	Making recommendations to ILEX to change/amend the Company's objects, M&As etc
2.3	Approval of standing orders and the schedule of matters reserved for the Board.
2.4	Change or amend Standing Orders or reserved matters
2.5	Approve arrangements for dealing with complaints
2.6	Decisions on the creation, maintenance, terms of reference, leadership and membership of board committees.
2.7	Receive reports from board committees and ratify/reject any recommendations
2.8	Decisions to grant, or vary, power, role, responsibilities and authority levels to the Chief Executive; and in doing so specify by implication the ones that the Board reserves to itself.
2.9	Establish, review, amend approve key organisational policies
2.10	Approve protocols and MoUs between IPS and other

	organisations, review these where appropriate and approve revisions.
<b>3. Appointments</b>	
3.1	Decisions to appoint or remove senior staff following proper procedures agreed by the Board Members. Decisions on the timing of the appointment or removal of Directors.
3.2	Agree procedures for the effective evaluation of the Board and of individual Board Members
3.3	Approval and appointment of professional advisors and consultants and determine their remuneration
3.4	Decisions to appoint or remove the external auditors and to determine their remuneration
<b>4. Contracts and Transactions</b>	
4.1	Decisions to enter into any contracts of a gross value of more than £50,000, subject to the Chief Executive's advice.
4.2	Significant decisions relating to any transaction in which a Board member or a member of staff has a direct or indirect material interest.
4.3	Any matter where a Board Member or member of staff's personal interest might conflict with his, or her, duty to the IPS, e.g. procurement issues.
<b>5. Regulatory Matters</b>	
5.1	Referral of matters or issues to the LSB
5.2	Decisions on what matters should be reserved to the Board
<b>6. Disclosure</b>	
6.1	The approval of the Annual Report and Accounts.
6.2	Decisions on when and how to make key information public
6.3	PR Policy and decisions around image

Approved: by the Board on 12 February 2009

## **ILEX Professional Standards Ltd**

### **Conduct and Administration of Meetings (Standing Orders)**

#### **Board Meetings**

1. Board meetings are held at regular intervals with the time and place determined by the Board, and confirmed at each preceding meeting of the Board.
2. A calendar of Board and Committee meetings will be drafted before each calendar year for the following year's business for approval during autumn.
3. Additional meetings may be held at such time and place as may be determined by the Board.
4. At each meeting of the Board the minutes of the last meeting shall, if available, be taken as an agenda item and, if agreed to be accurate, signed as a true record by the Chair of the meeting. Minutes of the previous meeting will always be taken as an agenda item at scheduled meetings of the Board.
5. The agenda and papers for each meeting will normally be despatched to Board Members no later than six days before the meeting. Late papers shall be sent only in exceptional circumstances, and shall be considered only with the consent of the Chair.
6. At a meeting, the Chair shall preside. If the Chair is absent, the Committee members in attendance shall choose one of their number to preside for that meeting.

#### **Power to call Meetings**

7. Any quorate group of Board Members can declare itself a Board meeting. However, other than in exceptional circumstances, Board Members will request additional meetings of the Board at any time through the Chair. The Chair and Secretariat will use best endeavours to arrange, within ten working days of such a request, a quorate meeting that the maximum possible number of Board members can attend.

#### **Notice of Meeting**

8. Once a meeting has been scheduled, a notice of the meeting, specifying the business proposed to be transacted, shall be delivered to every Board Member, or sent by post to the usual place of residence of each Member or to such other address as may be specified by the Member. This notice will be available to Board Members at least six clear days before the meeting; or if the meeting is called at short notice, then as early as possible before the meeting which, except in exceptional circumstances, should be at least 48 hours of notice must be given of a meeting.

9. An accidental omission to serve such notice on any Member shall not affect the validity of the meeting.

### **Quorum for meetings**

10. The memorandum and articles of association of IPS Ltd identify that a quorum is 2 Board Members. Other than in exceptional circumstances to be agreed by the Chair, the Chief Executive should ensure that a minimum of 3 Board Members are present at each meeting, with at least one of these being an Independent Member and one a Professional Member.
11. There is the presumption that members will make best efforts to be physically present at meetings, but the Chair may agree to a particular meeting being conducted by video or telephone conferencing if a Board Member requests it in advance. For the avoidance of doubt, the presence of a Board Member by telephone or video conference constitutes attendance at the meeting, and, therefore, counts towards the quorum.
12. The rules on the quorum apply throughout the meeting, for example when the numbers present change as a result of members arriving late, leaving early or declaring an interest. The Secretary shall keep a note of attendance, including any changes, which take place during the meeting. If a meeting is at risk of becoming inquorate, the Secretary shall immediately inform the Chair.
13. Whilst it is possible for an inquorate meeting to continue in respect of items purely for discussion, it does not constitute a meeting of the Board and no business decisions can be taken by an inquorate meeting. Specifically, Board Members cannot, when inquorate, exercise statutory discretion. Nor do the opinions expressed or conclusions reached, by an inquorate meeting, constitute those of the Board.

### **Resolutions**

14. Decisions of the Board shall be taken and recorded in the Minutes of that meeting.
15. The Board will normally reach decisions by consensus. However, if any resolution or other question is put to the vote at a meeting, it shall be determined by a majority of the votes of the Members present and voting on the question, and shall be decided on a show of hands.
16. In the case of equality of votes, there is no casting vote.
17. Any member may require their vote, or the fact of their abstention, to be recorded in the minutes of a meeting. However, a declaration by the person presiding at the meeting that a resolution has been carried or not, and an entry to that effect made in the minutes of a meeting, shall

18. A resolution (i.e. any formal decision by the Board) may be rescinded or varied at any subsequent meeting of the Board. However, where possible this will not be done unless its reconsideration appears on the agenda for that meeting. A resolution should not normally be overturned or varied, for instance, simply as part of discussions of matters arising from previous minutes. The subject matter must appear as a substantive item on the agenda, including the fact that there is a proposal to vary or rescind a previous decision and the reasons for that proposal.

### **Register of Attendance**

19. The names of the person presiding and other Members present at a meeting shall be recorded. Members attending by video or telephone link will be identified as such.

### **Minutes**

20. The minutes of the proceedings of each meeting shall be drawn up and submitted for agreement at the next ensuing meeting of the Board where, if affirmed as a correct record, they will be signed off by the person presiding at the meeting. If, exceptionally, no staff member is available to take a note of the meeting, one of the Board Members present shall be nominated to take a minute of the meeting and it will be supplied to the Secretary of the Board to be held as part of the record.

### **Briefing papers between meetings**

21. The Executive will send update briefings to Board Members, in the format of Agenda Papers and with the appropriate Item Number, as necessary between meetings. Wherever possible, no more than one briefing by correspondence will occur between any two meeting dates.

### **Agreement by correspondence**

22. It may be necessary for the Board, between meetings, to agree items by correspondence. This procedure will be adopted only in exceptional circumstances when necessary and with the prior approval of the Chair on behalf of the Board. The procedure will be as follows:
  - If there is an issue requiring the Board's support/agreement, Board Members will be asked to sign and date a declaration, **if** they are in agreement with the recommendation.
  - If there is more than one option/recommendation, the Board shall be asked to choose the preferred option and sign and date a declaration confirming this.
23. Exceptional circumstances will be matters that are judged by the Chair and Chief Executive as too urgent to await the next Board Meeting.

24. The Secretary to the Board will keep a full record of any items agreed by correspondence and these will be confirmed and minuted in the next meeting of the Board.

### **Handling conflicts of interest**

25. The Chair, and other Board Members, should declare any personal or business interests that may conflict, or give the appearance that they may conflict, with their responsibilities as Board Members. The guidance that follows is intended to ensure that such conflicts are identified at any early stage so that appropriate action can be taken to resolve them. It is also intended to ensure that Board Members do not profit personally from the position of Board Member, including using for personal gain information or opportunities obtained as a result of being a Board Member. Board Members are required to keep a Register of Interests and to register any gifts and hospitality. Guidance on gifts and hospitality forms part of the Code of Practice.
26. For the avoidance of doubt, the inclusion of an Interest on the Register does not remove the requirement for it to be declared at a meeting.

### **Declarations of interest**

27. Board Members should not participate in the discussion or determination of matters in which they have a direct pecuniary interest, which is particular to them, ie, Professional Members may take part in debates and decisions relating to general ILEX matters, such as subscription rates, without declaring an interest or leaving the Board meeting.
28. When an interest is not of a direct pecuniary kind, Board Members should decide whether consideration in the discussion or determination of a matter would suggest a real danger of bias. This should be interpreted in the sense that Board Members might unwittingly or otherwise unfairly regard with favour, or disfavour, the case of a party to the matter under consideration.
29. In considering whether a real danger of bias exists in relation to a particular decision, Board Members should take into account:
  - whether they, a close family member, or person living in the same household, or a firm, business or other organisation with which the Board Member is connected, are likely to be affected by more than the generality of those affected by the decision in question.
  - whether they, a close family member, or person living in the same household, or a firm, business or other organisation with which the Board Member is connected, has an involvement with the decision in another capacity which might prejudice, or be perceived to prejudice, the decision making.

30. When a Board Member personally benefits, in a similar capacity to any other member of the public, from something that is being discussed, there will not normally be a need to declare an interest. However, there may be occasional circumstances where a Board Member feels that there is a danger of perceived bias in their decision-making and, therefore, may choose to declare an interest.
31. On receipt of an agenda and papers for a meeting, Board Members should alert the Chair to any items where they are considering declaring an interest, in order to resolve any uncertainties in advance. This enables staff to establish if the scheduled meeting is likely to become inquorate during its course.
32. At the start of each Board and Committee meeting, Board Members will be asked to declare any interests. This will be a regular, standing item on the agenda for each meeting.
33. In the meeting, Board Members should declare any interests as soon as possible after the meeting begins. Where Board Members do not participate in the discussion or determination of a matter, they should normally withdraw from the Board meeting at all points in the meeting where that matter is discussed. This is because the continued presence of someone who has declared an interest might be thought likely to influence the judgement of the other Board Members present.
34. Where Board Members sit on a committee, the same procedures apply where the committee is being asked for advice prior to a decision being taken by the Board. If a Board Member would expect to declare an interest when an item is presented to the Board for decision, they should declare that same interest when the same item comes to committee for advice.

### **Conduct of Committee Meetings**

35. The Board may establish any committee or working party for any such purpose as it considers appropriate and determine the powers, terms of reference and timescale of any such committee or working party.
36. Committees must include at least one member or employee of the Board, but may also include persons who are neither members nor employees. The conduct of committee meetings will be regulated in the same manner as Board Meetings.

### **Minuting Policy**

37. In the interests of transparency, IPS formally present its approved minutes to the ILEX Council, will publish the approved minutes on the website and will make copies available to enquirers.

### **Register of Decision items/Board and Committee Meeting follow up**

38. IPS keeps a Register of Decision Items for each Board and Committee meeting. The Register is updated after each meeting and it is a useful

reference document to accompany the full minutes of Board and Committee meetings. If any Board/Committee member wishes to have a copy of the most up to date register, they can obtain this from the Secretary to the Board.

39. Each set of minutes has an action sheet appended. The action sheet reflects agreed actions from that meeting and the required follow up.

#### **Public access to IPS information**

40. IPS does not operate within the auspices of the Freedom of Information Act.

#### **Claiming of Expenses**

41. Members of the Board are entitled to claim expenses incurred in respect of carrying out Board business. Expenses that are incurred should be appropriate and value for money and detailed guidance is provided in the ILEX's Financial and Administrative Procedures. All claims should be submitted on a claim form and supported by receipts. In the exceptional circumstances where a receipt is not available, full details in respect of the expense should be provided. Claims should normally be submitted on a monthly basis and a claim will not be paid if it is submitted more than three months after it has been incurred. Claims will be settled by cheque until ILEX has the facilities to pay by BACs transfer into the Board Member's bank account.

#### **Gifts and Hospitality Register**

42. The upper limit on the value of gifts, which may be accepted by staff or members of the Board, is set at £25. Board Members should normally refuse to accept any gift offered to them personally unless it is of negligible value or is a promotional item of a value under the £25 ceiling. Presentational items may be accepted by the Chief Executive who will keep a register of such gifts and ensure that they are displayed or used appropriately by IPS/ILEX.
43. Board Members should accept offers of hospitality only if there is a genuine benefit to the IPS, through the opportunity to impart or receive information or to represent the IPS in the community, or where a meal is in the nature of a working lunch or representational dinner. All hospitality received should be notified to the Chief Executive, who will enter it in a register.
44. If a Board member has any doubt about the propriety of accepting a gift or an invitation, they should consult the Chair.
45. The Register of Gifts and Hospitality is open to public inspection.

**Approved by the Board: 12 February 2009**

## **ANNEX 9 IPS BUSINESS PLAN**

### **STRATEGY FOR THE FIRST THREE YEARS**

#### **Statement of intent**

We will define, promote and secure, in the public interest, proper standards of professional conduct and behaviour among ILEX members.

#### **Overriding principles**

We will aim in all our work to:

- underpin the rule of law and the administration of justice
- maintain clear independence of sectoral interests
- develop our understanding of the needs of those for whom legal executive lawyers provide services
- work in close partnership with ILEX to support effective professional development and the provision of consistently good professional practice
- act proportionately, targeting risk
- demonstrate proper governance and good value for money
- act in accordance with the regulatory principles set down in legislation.

#### **Key aims**

The work of IPS has been split into six areas of responsibility. Each area has key aims. The six areas are:

- Education and standards
- Registration and accreditation
- Fitness to practise
- Governance and process
- Performance and risk
- Visibility and image

## **EDUCATION AND STANDARDS**

- the quality of all educational programmes which lead to entitlement to ILEX membership is assured
- all ILEX members are fit on entry to exercise the privileges and responsibilities which belong to their category of membership
- the arrangements for progression to ILEX fellowship are robust, consistent and defensible
- any organisation regulated by IPS is delivering services to the standard the public are entitled to expect
- the standards of professional conduct and competence expected of ILEX members and fellows are clear, explicit and readily understood by practitioners and the public

**Key Target 1:** the quality of all educational programmes which lead to entitlement to ILEX membership is assured

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
AM to serve on Awards Performance Strategy Committee (ASPC) and identify quality assurance issues for IPS to consider	Ongoing	AM	AM attending APSC meetings regularly
IPS Board to receive minutes of meetings of Awards Performance Strategy Committee to enable it to assure quality of education issues	Ongoing	AH	Minutes of APSC meetings are received by the Board.
IPS Board to receive and consider annual report of work of Awards department	Ongoing	AH	First report due early 2010 for year ending 2009
IPS Board to receive and monitor ILEX's self-assessment submission to Ofqual	Ongoing	AH	First self assessment reviewed by AM

**Key Target 2:** all ILEX members are fit on entry to exercise the privileges and responsibilities which belong to their category of membership

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Quality assure the ILEX education scheme through ongoing monitoring processes	Ongoing	AM IW	IPS Board has agreed process of review through receiving copies of relevant documentation
Quality assurance of advocates to feed into ILEX advocacy scheme, as appropriate	Ongoing	IW AK	IPS participating in JAG (approved regulators) work on development of qualify standards in advocacy

**Key Target 3:** the arrangements for progression to ILEX fellowship are robust, consistent and defensible

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Quality assure the ILEX education scheme through ongoing monitoring processes.	Ongoing	AM IW	IPS Board has agreed process of review through receiving copies of relevant documentation
Review and develop work based learning outcomes and assessment methodology for qualifying employment	Ongoing	TB, AM, AK, JW, MR IW/BB/Awar ds dept	Working party set up to progress this work. Work based learning outcomes have been developed. WP considering recording methodology (log books)
Ensure compliance with CPD scheme	Ongoing	BB	Annual monitoring (membership dept working with 2008 non-compliers, will result in referral to IPS)

**Key Target 4:** any organisation regulated by IPS is delivering services to the standard the public are entitled to expect

ACTION	DATE	LEAD/ RESOURCE	UPDATED PROGRESS
IPS to position itself to regulate alternative business structures	July 2012	BB / GB IW	Working party agreed that application should be made. Decision to be agreed by IPS Board and ILEX Council. Scoping work on practice structures, PII and fitness commenced.
Monitor and respond to LSB consultations on development of regulatory structure for ABS	Ongoing	IW / GB / BB	Responses were submitted to latest LSB consultations on ABS regulation, LSB rules issued
Liaise with other approved regulators on ABS matters	Ongoing	IW / GB BB	IW & GB attending regular meetings with other regulators to liaise on developments arising from the Legal Services Act and through the Legal Services Board Responses submitted to SRA consultations on ABS
IPS to position itself to regulate special bodies	July 2012	IW/BB/AK/IL EX	Participate in LSB discussion with special bodies to develop regulatory scheme to license them
Seek new practice rights for ILEX members before IPS can be in a position to regulate entities Rights being sought in litigation and probate Submit applications to LSB	May 2010	BB IW	Applications to be submitted to LSA. Consultation responses being analysed and amendments being made.
Seek conveyancing rights for ILEX members	Sept 2011	BB/ IW	Application to be made- includes scoping of rights, qualification structure, regulatory scheme, consultation, draft of application for submission to LSB by Dec 2010, approval by June 2010 and then move to implementation
Seek advocacy and litigation rights for Associate Prosecutors employed by CPS	May 2010	BB IW	Application to be resubmitted to LSA. Consultation responses being analysed and amendments being made to application.
Implement new practice rights in litigation and probate	April 2011	BB IW/LN	Implementation to begin once new rights granted (Dec 2010 and conclude by April 2011)
Develop compensation fund arrangements for ILEX independent practitioners	April 2011	BB IW	Scheme rules developed, to be implemented once we have new rights (Dec 2010 to Apr 2011)
Develop indemnity insurance arrangements for ILEX independent practitioners	April 2011	BB IW	Scheme rules developed, to be implemented once we have new rights (Dec 2010 to Apr 2011)
Identify and seek new practise rights	Dec 2010	BB / IW	Applications being prepared for conveyancing and criminal litigation rights. Decision made not to seek independent advocacy rights.

**Key Target 5:** the standards of professional conduct and competence expected of ILEX members and fellows are clear, explicit and readily understood by practitioners and the public

ACTION	DATE	LEAD/ RESOURCE	UPDATED PROGRESS
Develop and promote new Code of Conduct	May 2010	BB FTP WP DMD	New Code submitted to LSB for approval. Once approved it can be promoted.
Launch new Code	May 2010	BB / AK	Provisional launch at ILEX conference (March 2010) followed by formal launch after approval
Embed code of conduct training into ILEX qualifications through communication of relevant issues to Awards Department	Ongoing	BB	Sharing relevant fitness to practise issues with Awards Department as they arise
Educate ILEX members on conduct issues through regular articles in Legal Executive Journal	Ongoing	BB	Regular journal articles being written
Ethics advice to be available to ILEX members.	Ongoing	BB IW ILEX	IPS to agree standards and provide information, ILEX to deliver one to one advice. System being developed.

## **REGISTRATION AND ACCREDITATION**

- membership and fellowship of ILEX are recognised in the UK and abroad as the definitive touchstone of continuing competence among legal executives
- information published about ILEX members and fellows is accurate, validated and up to date, and indicates clearly to enquirers their current registration status, accreditations, specific rights and relevant fitness to practise history
- ILEX members and fellows are able to demonstrate that they have maintained competence and stayed up to date throughout their professional careers
- the regulation of new categories of ILEX membership is designed to ensure consistency between categories and compatibility with IPS's regulatory aims

**Key Target 1:** membership and fellowship of ILEX are recognised in the UK and abroad as the definitive touchstone of continuing competence among legal executives

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Conduct a detailed review of the ILEX qualifying employment arrangements, develop work based learning outcomes, assessment methodology and assessment arrangements (including committee structure).	Sept 2010	TB, AM, AK IW, BB Awards dept	Working party set up. Developed work based learning outcomes and Committee structure. Recording methodology being developed.
Consult on qualifying employment proposals	Sept 2010	BB/ Awards dept	Consultation to be produced after proposals agreed
Submit application to approve qualifying employment proposals to LSB	Oct 2010	BB	Application to be made after above work concluded

**Key Target 2:** information published about ILEX members and fellows is accurate, validated and up to date, and indicates clearly to enquirers their current registration status, accreditations, specific rights and relevant fitness to practise history

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Website to be updated to reflect membership information accurately and clarify specialism information	December 2010	BB IW	Specialisms clarified on published directory
Website to include specialist rights awarded to members	December 2010	BB LN	Advocates rights identified. Immigration advisors register developed. Further work being undertaken on web functionality.

**Key Target 3:** ILEX members and fellows are able to demonstrate that they have maintained competence and stayed up to date throughout their professional careers

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Conduct comprehensive review of CPD scheme for implementation on 1 January 2011	July 2010	BB	Board to review position
Consider ongoing appraisal mechanisms for ILEX members to ensure continued competence	July 2010	BB	Board to review position

**Key Target 4:** the regulation of new categories of ILEX membership is designed to ensure consistency between categories and compatibility with IPS's regulatory aims

ACTION	DATE	LEAD/ RESOURCE	UPDATED PROGRESS
Keep under review criteria for entry into any new membership categories created by ILEX in future and what each category means	Ongoing	TB	

## **FITNESS TO PRACTISE**

- robust procedures are in place for dealing with ILEX members or fellows whose professional conduct, competence or state of health may call in question their continued registration
- those procedures are conducted in a fair, thorough, impartial and timely fashion, with proper regard to the rights and reasonable expectations of the respondent practitioner and the complainant
- the handling of cases is focused primarily on remediation and professional improvement, while recognising the need for sanctions wherever these are necessary
- the procedures operate independently of the IPS Board and ILEX Council, members of neither playing any part in the handling of fitness to practise casework
- cases are disposed of in a timely and consistent way, with the reasons for decisions at each stage explained in sufficient detail for interested parties to understand.

**Key Target 1:** robust procedures are in place for dealing with ILEX members or fellows whose professional conduct, competence or state of health may call in question their continued registration

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Recruit three additional lay members to disciplinary panel	August 2010	BB	Recruitment process to be commenced.
Suitable accreditation procedures are in place to regulate immigration advisors	December 2010	BB	Need to develop regulatory regime for immigration advisors

**Key Target 2:** those procedures are conducted in a fair, thorough, impartial and timely fashion, with proper regard to the rights and reasonable expectations of the respondent practitioner and the complainant

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Investigations to be completed in a timely fashion	Ongoing	BB EP/LN/GB	New rules expedite procedure wherever possible. Case completion times to be monitored

**Key Target 3:** the handling of cases is focused primarily on remediation and professional improvement, while recognising the need for sanctions wherever these are necessary

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Sanctions guidelines developed	May 2010	BB	On Board agenda for approval
Publish findings in Legal Executive Journal to educate members and help them to identify areas for their improvement	Ongoing	BB	Regular items published

**Key Target 4:** the procedures operate independently of the IPS Board and ILEX Council, members of neither playing any part in the handling of fitness to practise casework

**Key Target 5:** cases are disposed of in a timely and consistent way, with the reasons for decisions at each stage explained in sufficient detail for interested parties to understand.

ACTION	DATE	LEAD/ RESOURCE	UPDATED PROGRESS
Performance against key performance indicators to be regularly monitored	Ongoing	BB LN	Quarterly monitoring mechanism introduced
Clear reasoning is given by adjudicatory committees and communicated to the parties	Ongoing	BB EP/GB/LN	Clear reasoning is given by all committees involved in complaints and disciplinary cases. Developing reasoned determinations
Cases will be reviewed on a quarterly basis to identify learning outcomes and monitor performance	Ongoing	BB LN	Reviewing system to be introduced
Standardised format of reasoned determinations to be introduced for use by all disciplinary and complaints committees	October 2009	BB EP	Format to be developed

## **GOVERNANCE AND PROCESS**

- IPS conducts itself, at Board and Executive level, in accordance with best practice in organisational governance
- relations with the ILEX Council and other key stakeholders are governed by unambiguous protocols and statements of understanding and partnership, making clear where boundaries lie and how responsibilities, accountabilities and powers are shared between organisations
- members of the Board and Executive conduct themselves with integrity and probity, demonstrating compliance with established principles of public life and putting the public interest first at all times
- best use is made of the knowledge, skills and experience of each member of the Board and Executive, and all such individuals are effectively resourced, supported, appraised and rewarded in the exercise of their duties
- Board and committee members are selected in a transparent way, using an open appointment process, with independent input, in which applicants are assessed against published criteria.

**Key Target 1:** IPS conducts itself, at Board and Executive level, in accordance with best practice in organisational governance

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Monitor compliance with Code of Conduct for Board members	Ongoing	HD	Monitoring on regular basis
Agree reserved matters on Education and Standards for the APSC	May 2010	AH, IW AM	Second draft being considered

**Key Target 2:** relations with the ILEX Council and other key stakeholders are governed by unambiguous protocols and statements of understanding and partnership, making clear where boundaries lie and how responsibilities, accountabilities and powers are shared between organisations

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Develop service level agreements to protocols	March 2010	IW GB	SLA developed and final copy on agenda
Review ILEX and IPS protocol after one year of operation	December 2010	HD IW	First review completed. Next review due December 2010.
Develop protocols with other regulatory bodies and with LSB and OLC	June 2010	IW GB	Work commenced to develop protocols and initial drafts produced
Review ILEX protocol with OISC once remit passes to LSB	June 2010	IW BB	Protocol to be substantially revised as OISC will not be overarching regulator

**Key Target 3:** members of the Board and Executive conduct themselves with integrity and probity, demonstrating compliance with established principles of public life and putting the public interest first at all times

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Review performance of Board Members against Code of Conduct for Board members.	October 2010	AK	Review as part of Board Member appraisal. Attendance at Board meetings recorded and monitored
Board to review its performance	December 2010	All	Review process completed. Next review due December 2010

**Key Target 4:** best use is made of the knowledge, skills and experience of each member of the Board and Executive, and all such individuals are effectively resourced, supported, appraised and rewarded in the exercise of their duties

ACTION	DATE	LEAD/ RESOURCE	UPDATED PROGRESS
Board Members are set annual objectives	December 2009	AK Board members	2009 objectives were agreed. 2010 objectives to be set
Appraisals undertaken of chair and Board members. Appraisal system used to identify any training needs.	December 2010	AK HD Board members	Appraisals completed for 2009. Next due October 2010. skills audit also completed

**Key Target 5:** Board and committee members are selected in a transparent way, using an open appointment process, with independent input, in which applicants are assessed against published criteria.

## **PERFORMANCE AND RISK**

- future opportunities and challenges are identified through a continuous process of horizon scanning and intelligence gathering
- key risks facing IPS are monitored, assessing the likelihood and impact of each of these and putting in place measures for their effective mitigation
- budgets are set at the level required to deliver regulation to an appropriate standard, recognising the need to demonstrate that spending is reasonable in the eyes of those who pay the bills
- spending is closely monitored against budgets, securing effective use of resources and good value for money
- IPS's performance is continuously monitored against key indicators reflecting the priorities set by the Board
- data are readily available to enable the Board to measure performance, give account where required and answer criticism whether founded or unfounded
- IPS complies at all times with the established principles of good regulation.

**Key Target 1:** key risks facing IPS are monitored, assessing the likelihood and impact of each of these and putting in place measures for their effective mitigation

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Risk register developed to monitor risks faced by IPS	February 2010	FE IW / BB	Risk register developed. Reviewed and agreed by Board
Risk register updated regularly and risks kept under review	Ongoing	BB	Regular monitoring taking place. Risk levels updated as necessary

**Key Target 2:** budgets are set at the level required to deliver regulation to an appropriate standard, recognising the need to demonstrate that spending is reasonable in the eyes of those who pay the bills

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Budgets to be agreed by IPS Board and ILEX for 2011	October 2010	IW	2010 budgets were agreed. Work will next commence on 2011 budgets
Business planning to take place to identify budgetary needs	October 2010	IW BB	Business planning to commence
Comply with LSB on independent regulation and transparent fee setting	April 2010	IW/DB/TC	Matter on IPS Board agenda
ILEX members are provided with clear information about subscription fees for regulation, representative services and LSB/OLC levy	October 2010	IW ILEX	Budgetary work to be undertaken to split fees into three categories for subscriptions due January 2011

**Key Target 3:** spending is closely monitored against budgets, securing effective use of resources and good value for money

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Regular monitoring of spending takes place against budget	Ongoing	IW	Reports of budget to Board at each meeting

**Key Target 4** IPS' performance is continuously monitored against key indicators reflecting the priorities set by the Board

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Monitor performance against KPI	Ongoing	BB LN	Regular performance reports to Board

**Key Target 5:** data are readily available to enable the Board to measure performance, give account where required and answer criticism whether founded or unfounded

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
Good use made of 'profile concept' to record complaints work so that data can be extracted	Ongoing	BB/EP/GB/L N/SF	Database used for all complaints cases
Annual report of complaints work accounts for performance	March 2010	BB EP	Report written
Annual report of IPS Board	March 2010	GB IW	Report being written

**Key Target 6** IPS complies at all times with the established principles of good regulation.

<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
IPS to ensure it works to PACTT better regulation principles	Ongoing	AK / IW	Embed PACTT principles in IPS work
IPS ensures it regulates in accordance with regulatory objectives and professional principles under Legal Services Act 2007	Ongoing	AK / IW	Embed regulatory objectives and professional principles in IPS work

## **COMMUNICATION AND PARTNERSHIP**

- the visual identity and public face of IPS closely reflect its values and aspirations
- those values and aspirations run throughout the organisation and are shared and exemplified by all members of the Board and Executive
- IPS listens to and communicates regularly with all who have an interest in its work, explaining its decisions and actions clearly, succinctly and at the appropriate times, and making effective use of all available means of communication
- the needs of different stakeholders and audiences are clearly understood, ensuring effective communication with each by using the media most appropriate for them
- IPS takes active steps to give account of itself, promoting positively the benefits of its work and of professional regulation in general.

**Key Target 1:** the visual identity and public face of IPS closely reflect its values and aspirations. Those values and aspirations run throughout the organisation and are shared and exemplified by all members of the Board and Executive

	<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>	
<b>Key 2:</b>	IPS corporate image is embedded into all of its documentation	Ongoing	IW / BB All	Corporate logo has been developed and used in all documents including corporate brochures and banner stands. Developing corporate images.	<b>Target</b>

IPS listens to and communicates regularly with all who have an interest in its work, explaining its decisions and actions clearly, succinctly and at the appropriate times, and making effective use of all available means of communication

	<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
	IPS to report regularly to ILEX council and ILEX at Board and Executive level	Ongoing	IW	Regular reporting of IPS minutes to council Regular meetings between IW and DB Regular meetings between AK and ILEX President & vice-President
	IPS liaises with and consults LSB and OLC	Ongoing	IW GB/BB	IPS attend LSB meetings
	IPS consults widely on its proposals	Ongoing	IW All	Consultations sent to wide audience, posted on website
	IPS consults and liaises with consumer bodies	Ongoing	IW All	Consultations take place with consumer organisations
	IPS consults and liaises with other regulatory bodies	Ongoing	IW All	Attend regular meetings with approved regulators and regulatory bodies
	Method developed for Board members to provide input into consultations to which IPS responds	Ongoing	All	Email input arrangements were introduced
	Information to be communicated through website	Ongoing	LN/BB/IW	Web pages produced for IPS consultation documents

**Key Target 3:** the needs of different stakeholders and audiences are clearly understood, ensuring effective communication with each by using the media most appropriate for them

	<b>ACTION</b>	<b>DATE</b>	<b>LEAD/ RESOURCE</b>	<b>UPDATED PROGRESS</b>
<b>Key</b>	Use to be made of website, correspondence and other mediums to communicate with stakeholders	Ongoing	All	Identify and use appropriate mediums on a needs basis
	Develop programme of stakeholder engagement	June 2010	All	

**Target 4** IPS takes active steps to give account of itself, promoting positively the benefits of its work and of professional regulation in general.

ACTION	DATE	LEAD/ RESOURCE	UPDATED PROGRESS
Annual report of IPS to be produced	March 2010	IW GB	Report to be written
IPS writes regular articles in Legal Executive Journal updating members on its work	Ongoing	AK / IW	Several articles written
IPS writes articles in other journals promoting its work and ILEX	Ongoing	AK / IW	Article written in magistrates publication
IPS communicates with consumer bodies on its work	Ongoing	AK / IW	

